

TIER 3 ANNUAL AND CANDIDATE PERSONAL FINANCIAL DISCLOSURE

FREQUENTLY ASKED QUESTIONS

WHO IS REQUIRED TO FILE A TIER 3 ANNUAL PERSONAL FINANCIAL DISCLOSURE STATEMENT?

- Each person holding a public office who represents a voting district having a population of fewer than 5,000.
- Each member of the governing authority or management board of a charter school created pursuant to Chapter 42 of Titles 17 of the Louisiana Revised Statutes of 1950.

WHO IS REQUIRED TO FILE A TIER 3 CANDIDATE PERSONAL FINANCIAL DISCLOSURE STATEMENT?

- Any person who becomes a candidate for an office for which the holder of the office is required to file a personal financial disclosure (pursuant to La. R.S. 42:1124.2).
- The candidate is required to file a personal financial disclosure statement **WITHIN THREE (3) BUSINESS DAYS** of the day the candidate files his notice of candidacy for the office.

I AM AN INCUMBENT RUNNING FOR RE-ELECTION. AM I REQUIRED TO FILE A CANDIDATE PERSONAL FINANCIAL DISCLOSURE STATEMENT IF I ALREADY FILED AN ANNUAL PERSONAL FINANCIAL DISCLOSURE STATEMENT FOR THE SAME CALENDAR YEAR?

- If an incumbent is running for reelection, and has already timely filed an annual personal financial disclosure statement for the same calendar year, the incumbent is not required to file a candidate personal financial disclosure statement. The annual disclosure statement will be accepted as meeting the requirements of the Campaign Finance Disclosure Act.
- However, if the incumbent files the annual disclosure statement subsequent to the deadline for filing the candidate personal financial disclosure statement, the incumbent is then required to file two separate disclosure statements, i.e., an annual and a candidate personal financial disclosure statement.

HOW LONG AM I REQUIRED TO FILE A TIER 3 ANNUAL PERSONAL FINANCIAL DISCLOSURE STATEMENT?

- You are required to file a Tier 3 Annual Personal Financial Disclosure Statement for every year you serve in the office/position and also the year following the termination of your service.

I AM A NEWLY ELECTED OFFICIAL AND WILL TAKE OFFICE IN JANUARY. AM I EXEMPT FROM FILING A PERSONAL FINANCIAL DISCLOSURE STATEMENT ON MAY 15 SINCE I DID NOT SERVE IN THE POSITION THE PREVIOUS YEAR?

- No. You are required to file a personal financial disclosure statement on May 15 because you hold the office on the deadline date.

I AM A NEWLY ELECTED OFFICIAL; HOWEVER, I DO NOT TAKE OFFICE UNTIL JULY 1. AM I REQUIRED TO FILE A TIER 3 ANNUAL PERSONAL FINANCIAL DISCLOSURE STATEMENT ON MAY 15?

- As a newly elected official, where you will not be holding that office on May 15, you are not required to file a Tier 3 Annual Personal Financial Disclosure Statement on May 15.
- If you are an incumbent, you are required to file a Tier 3 Annual Personal Financial Disclosure Statement on May 15.

HOW DO I DETERMINE IF I SHOULD FILE A TIER 2 OR TIER 3 PERSONAL FINANCIAL DISCLOSURE STATEMENT?

- Tier levels are determined by the population of the voting district using the most current census.
 - Tier 2 offices/positions are those where the voting district population is greater than 5,000.
 - Tier 3 offices/positions are those where the voting district population is less than 5,000.

WHAT IS THE DEADLINE FOR FILING MY TIER 3 ANNUAL PERSONAL FINANCIAL DISCLOSURE?

- The Tier 3 Annual Personal Financial Disclosure Statement is due on or before May 15 of each year and should contain information related to the previous calendar year.

WHAT IS THE DEADLINE FOR FILING MY TIER 3 CANDIDATE PERSONAL FINANCIAL DISCLOSURE?

- Pursuant to La. R.S. 18:1495.7, any person who becomes a candidate for an office for which the holder of the office is required to file a personal financial disclosure statement pursuant to La. R.S. 42:1124, shall file a personal financial disclosure statement **WITHIN THREE (3) BUSINESS DAYS** of the day the candidate files his *notice of candidacy*.

WHERE DO I FILE MY PERSONAL FINANCIAL DISCLOSURE STATEMENT?

- Personal financial disclosure statements are filed with the Board of Ethics. The acceptable filing methods are:
 - Hand-delivery: 617 North Third Street, LaSalle Building, Suite 1036, Baton Rouge, LA
 - Mail: Board of Ethics, Post Office Box 4368, Baton Rouge LA 70821
 - Fax: 225/381-7271

CAN I FILE MY PERSONAL FINANCIAL DISCLOSURE STATEMENT ELECTRONICALLY?

- No. The acceptable filings methods are:
 - Hand-delivery: 617 North Third Street, LaSalle Building, Suite 1036, Baton Rouge, LA
 - Mail: Board of Ethics, Post Office Box 4368, Baton Rouge LA 70821
 - Fax: 225/381-7271

IF I FILE MY PERSONAL FINANCIAL DISCLOSURE STATEMENT VIA FAX, AM I REQUIRED TO SEND THE ORIGINAL THROUGH REGULAR OR CERTIFIED MAIL?

- No. Filing your personal financial disclosure statement via fax is an acceptable method of filing. Therefore, you are not required to file mail a disclosure statement to the Ethics Administration.

HOW DO I KNOW IF MY PERSONAL FINANCIAL DISCLOSURE STATEMENT IS TIMELY FILED?

- The “date filed” is determined by the date in which the Board of Ethics receives the disclosure statement, e.g., the date the document is faxed; or the postmark from the U.S. Postal Service or other courier/delivery service.

MAY I FILE MY TIER 3 ANNUAL PERSONAL FINANCIAL DISCLOSURE STATEMENT PAST THE MAY 15 DEADLINE, IF I HAVE REQUESTED AN EXTENSION IN FILING MY FEDERAL TAXES?

- No. As a Tier 3 Annual Personal Financial Disclosure filer (and pursuant to 42:1124) you do not have the opportunity to file your personal financial disclosure statement past the May 15 deadline.

MAY I FILE MY TIER 3 CANDIDATE PERSONAL FINANCIAL DISCLOSURE STATEMENT PAST THE DEADLINE DATE, IF I HAVE REQUESTED AN EXTENSION IN FILING MY FEDERAL TAXES?

- No. As a Tier 3 Candidate Personal Financial Disclosure filer (and pursuant to 18:1495.7) you do not have the opportunity to file your personal financial disclosure statement past the deadline date. Your statement must be filed **WITHIN THREE (3) BUSINESS DAYS** of the day your notice of candidacy is filed.

IS THERE A PENALTY FOR FAILING TO FILE; FAILING TO TIMELY FILE; OR FAILING TO ACCURATELY FILE MY TIER 3 ANNUAL PERSONAL FINANCIAL DISCLOSURE STATEMENT?

- Yes. If a Tier 3 Annual Personal Financial Disclosure Statement filer does not cure the Notice of Delinquency issued by the Board of Ethics (related to his failure to file; failure to timely file; or failure to accurately file) **WITHIN SEVEN (7) BUSINESS DAYS** of receipt of the Notice of Delinquency, a \$50 per day penalty, with \$1,500 maximum, will be assessed against the filer.

IS THERE A PENALTY FOR FAILING TO FILE; FAILING TO TIMELY FILE; OR FAILING TO ACCURATELY FILE MY TIER 3 CANDIDATE PERSONAL FINANCIAL DISCLOSURE STATEMENT?

- Yes. If a Tier 3 Candidate Personal Financial Disclosure Statement filer does not cure the Notice of Delinquency issued by the Board of Ethics (related to his failure to file; failure to timely file; or failure to accurately file) **WITHIN SEVEN (7) BUSINESS DAYS** of receipt of the Notice of Delinquency, a \$50 per day penalty, with \$1,500 maximum, will be assessed against the filer.

CAN I ATTACH REPORTS OR OTHER DOCUMENTS TO MY PERSONAL DISCLOSURE STATEMENT INSTEAD OF USING THE PERSONAL FINANCIAL DISCLOSURE FORMS?

- No. A filer is required to use the forms prescribed by the Board of Ethics. The forms are available at www.ethics.la.gov. Alternate forms or attachments will not be accepted.

MY SPOUSE ALSO SERVES IN A POSITION THAT REQUIRES HIM/HER TO FILE A PERSONAL FINANCIAL DISCLOSURE STATEMENT. DO WE HAVE TO FILE SEPARATE PERSONAL FINANCIAL DISCLOSURE STATEMENTS?

- Yes. You must each fill out a personal financial disclosure statement.

DO I HAVE TO NOTARIZE MY TIER 3 ANNUAL OR CANDIDATE PERSONAL FINANCIAL DISCLOSURE STATEMENT?

- No. A Tier 3 Annual or Candidate Personal Financial Disclosure Statement filer signs a "Certification of Accuracy" stating that the information is true and correct. (See cover sheet.)

DO I HAVE TO FILE A PERSONAL FINANCIAL DISCLOSURE STATEMENT. DO I HAVE TO FILE MORE THAN ONE PERSONAL FINANCIAL DISCLOSURE STATEMENT?

- No. You are only required to file one personal financial disclosure statement annually. You are required to file at the highest tier level, e.g., if you serve as a statewide elected official (Tier 1 level) and serve on a state board (Tier 2.1 level), you would file a Tier 1 Annual Personal Financial Disclosure Statement. Your board member position would be reported on Schedule K: Other Offices/Positions.

DO I HAVE TO REPORT ALL TYPES OF INCOME?

- No. You are only required to report income received from the State, a political subdivision, or a gaming interest.

WHAT IS A POLITICAL SUBDIVISION?

- A “political subdivision” is a parish, municipality, or any other unit of local government, including a school board or a special district authorized by law to perform governmental functions, e.g., hospital service districts, school boards (and schools under its authority), police juries, parish councils, boards of aldermen, cities, towns, villages, clerks of court, special districts, etc.

WHAT IS A GAMING INTEREST?

- A “gaming interest” [as defined in La. R.S. 18:1505.2L(3)(a)] (i) is any person who holds a license or permit as a distributor of gaming devices, who holds a license or permit as a manufacturer of gaming devices, who holds a license or permit as a device service entity, and any person who owns a truck stop or a licensed pari-mutuel or off-track wagering facility which is a licensed device establishment, all pursuant to the Video Draw Poker Devices Control Law; (ii) Any person who holds a license to conduct gaming activities on a riverboat, who holds a license or permit as a distributor or supplier of gaming devices or gaming equipment including slot machines, or who holds a license or permit as a manufacturer of gaming devices or gaming equipment including slot machines issued pursuant to the Louisiana Riverboat Economic Development and Gaming Control Act, and any person who owns a riverboat upon which gaming activities are licensed to be conducted; or (iii) Any person who holds a license or entered into a contract for the conduct of casino gaming operations, who holds a license or permit as a distributor of gaming devices or gaming equipment including slot machines, or who holds a license or permit as a manufacturer of gaming devices or gaming equipment including slot machines issued pursuant to the Louisiana Economic Development and Gaming Corporation Act, and any person who owns a casino where such gaming operations are licensed.

DO I HAVE TO REPORT RETIREMENT INCOME?

- You are only required to report retirement income if the retirement income is from a *state or statewide retirement system*.

MY SPOUSE IS ONLY EMPLOYED ON A PART-TIME BASIS. DO I HAVE TO REPORT THE EMPLOYMENT?

- Yes. You are required to disclose your employment and your spouse’s employment whether it be full-time or part-time status.

DO I HAVE TO REPORT INFORMATION RELATED TO MY SPOUSE IF WE HAVE A “SEPARATE PROPERTY” AGREEMENT?

- Yes. Information related to your spouse must be reported, even if you have a separate property agreement in place.

CAN I AMEND MY PERSONAL FINANCIAL DISCLOSURE STATEMENT?

- Yes. If you need to amend your personal financial disclosure statement, submit the cover sheet (checking the box “amendment”) and attach all schedules that you are amending.

CAN I VIEW MY PERSONAL FINANCIAL DISCLOSURE STATEMENT ONLINE?

- Yes. All disclosure reports filed with the Disclosure Division are viewable on the Board of Ethics’ website at www.ethics.la.gov under the Disclosure pull-down menu.

ARE DISTRICT JUDGES REQUIRED TO FILE ANNUAL PERSONAL FINANCIAL DISCLOSURE STATEMENTS WITH THE BOARD OF ETHICS?

- No. District Judges are governed by the Code of Judicial Conduct. To determine any reporting requirements for District Judges, you may contact the Louisiana Supreme Court at 504/310-2300.

ARE JUSTICES OF THE PEACE REQUIRED TO FILE ANNUAL PERSONAL FINANCIAL DISCLOSURE STATEMENTS WITH THE BOARD OF ETHICS?

- No. Justices of the Peace are governed by the Code of Judicial Conduct. To determine any reporting requirements for Justices of the Peace, you may contact the Louisiana Supreme Court at 504/310-2300.